IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2169 OF 2005

Naresh Parbat patel & Ors ...Petitioners

Versus

State of Maharashtra & Anr ...Respondents

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Mr. S.J. Chourasia i/b M/s Ashoka Law Firm, Advocate for Petitioners
Mr. Vipul Shukla, Adv. for Respondent No.2.
Mr. Y.S. Shinde, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 21ST SEPTEMBER, 2005

P. C.:-

1. Heard Mr. Chourasia. the learned advocate for the petitioners i.e. original accused, Mr. Shukla, the learned advocate for the respondent No.2 i.e. original complainant and the learned A.P.P. for the State.

2. The petitioners have prayed for quashing of C.C. No.603/PW/2005 which is pending before the learned J.M.F.C. Vashi at Belapur Court. The said case arises out of F.I.R. No. I-319/2004 of Turbhe police station. The said complaint is for cheating and forgery.

3. Mr. Shukla, the learned advocate for the respondent No.2 i.e. original complainant states that the complainant and the petitioners have

amicably settled the dispute among themselves and the complainant does not wish to pursue his complaint and he has no objection to the case being quashed. Reliance is placed on the various decisions, wherein where the disputes are settled and the complainant did not wish to pursue his/her complaint, the complaint came to be quashed. The said decisions are;-

i). B.S. Joshi Vs. State of Haryana, AIR 2003 SC 1386,

ii) Fahimuddin Vs. State of U.P., AIR 1981 SC 2008(3),

iii) Judgment of the Division Bench of this Court in Cri. W.P. No. 1672 of 2002 dated 20.12.2002 (Alan Douglas Grant Vs. State of Mah.)

iv) Order dated 27.3.2001 passed by His Lordship Mr. Justice S.S. Parkar in Cri. W.P. No. 366 of 2001.

4. Looking to the fact that the complainant does not wish to pursue his complaint, I am of the opinion that this Court can consider the prayer of the petitioners and quash the prosecution in the said case. Hence, case No. 603/PW/2005 pending before the learned J.M.F.C. Vashi at Belapur Court and the proceedings relating thereto are quashed.

5. Writ petition is disposed of.

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